

REMARKS

Claims 10, 16 and 18-28 are all the claims pending in the application, as claims 25-28 are hereby added. Claims 25-28 are respectfully submitted to be allowable both by virtue of their dependency, and by virtue of the respective features recited therein.

Claims 10, 16 and 18-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bilgic (U.S. Pat. No. 5,884,148) in view of Sandler et al. (U.S. Pat. No. 5,983,117; hereinafter "Sandler"). Applicant respectfully traverses this rejection.

Claim 10 recites, in part:

a telephone exchange in radio communication with said
means for producing dialing signals through a base station; and
means for transmitting the dialing signal to said telephone
exchange each time the dialing signal is generated[.]

Thus, claim 10 clearly requires, *inter alia*, a telephone exchange.

In the Office Action August 19, 2005, the Examiner asserted that "it is well known and established that a mobile switching center is a telephone exchange." However, the Examiner has failed to cite or provide any reference to show that the above aspects of the present invention are capable of instant and unquestionable demonstration as being "well known," as required by MPEP § 2144.03. "[A]ssertions of technical facts in the areas of ... specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art." Because the Examiner has failed to provide any such reference, Applicant submits that a *prima facie* case of obviousness has not been established and, thus, the burden to do so still remains with the Examiner.

Moreover, Applicant submits that one of skill in the art is aware of the differences between a mobile switching center and a telephone exchange. Sandler discloses that a mobile switching center handles the routing of calls to voice/data facilities, e.g., trunk or line facilities, which one of skill in the art recognizes as a telephone exchange. Sandler also discloses the routing of the calls to the PSTN once the dialing is complete. See col. 9, lines 50-55 of Sandler.

Indeed, neither Sandler nor Bilgic, alone or in combination, provide any teaching or suggestion of any devices that could be reasonably construed as a telephone exchange. Therefore, Applicant submits that the Patent Office cannot fulfill the “all limitations” prong of a prima facie case of obviousness, as required by *In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991).

Furthermore, Applicant submits that one of skill in the art would not be motivated to combine the two references. Both Sandler and Bilgic lack any teaching about the desirability of the transmission of dialing signals to a telephone exchange each time a digit is pressed. Thus, Applicant submits that the Patent Office cannot fulfill the motivation prong of a prima facie case of obviousness.

In view of the above, Applicant submits that the applied references fail to teach or suggest all of the claimed elements as arranged in claim 10.

Similarly, Applicant submits that claim 16 is patentable over the applied references, at least for reasons analogous to those stated above with regard to claim 10. Further, Applicant submits that claims 18-24 are patentable over the applied references, at least by virtue of their dependency on claim 10.

AMENDMENT UNDER 37 C.F.R. § 1.111
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Accordingly, Applicant submits that claims 10, 16 and 18-24 are allowable, and respectfully requests that the Patent Office reconsider and withdraw the § 103(a) rejection of claim 10, 16 and 18-24.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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